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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,527	02/22/2002	Daniel Scott Venolia	04860.P0539C3	8352

7590 12/08/2003

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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
2672	16

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/082,527

Applicant(s)

VENOLIA, DANIEL SCOTT

Examiner

Jeffery A. Brier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/24/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 19 and 21-82 is/are pending in the application.
- 4a) Of the above claim(s) 50-54, 61-65 and 72-76 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-49 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19, 21-25, 55-60, 66-71 and 77-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed 10/24/03 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed 10/24/03 have been fully considered but they are not persuasive.

Applicant failed to amend claim 25 and failed to present arguments traversing the rejection of claim 25, thus, the previous rejection of that claim is maintained.

Applicant alleges the specification supports the amendment made to claims 1, 12, 16, 22, 55, 66 and 77.

Claims 1, 12, 16 and 22 were amended to claim the scale being depicted by a first control element of a graphical user interface and to claim the position of the range relative to the data field being depicted by a second control element of the graphical user interface. The specification did not describe the first control element, control knob 16, depicting the scale or describe the second control element, indicator 13, depicting the range. The word depicted is thus given its usual dictionary meaning.

Yourdictionary.com defines depicted as:

#### **de·pict**

(click to hear the word) (dĭ-pĭkt')

*tr.v.* de·pict·ed, de·pict·ing, de·picts

1. To represent in a picture or sculpture.
2. To represent in words; describe. See Synonyms at represent.

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[Middle English depic<sup>t</sup>en, from Latin dēpingere, dēpict- : dē-, *de-* + pingere, *to picture*; see peig- in Indo-European roots.]

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**de·pic<sup>t</sup>ion *n.***

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In view of the dictionary definition of depicted the claim is now claiming more than the specification conveyed to one of ordinary skill in the art. Control knob 16 and indicator 13 moves when the parameters are changed but they do not represent in words the scale and range.

Claims 55, 66 and 77 were amended to claim adjusting a first parameter depicted by a first user interface element of the graphical user interface according to the first component, the first user interface element being located in a first region in the graphical user interface and adjusting a second parameter depicted by a second user interface element of the graphical user interface according to the second component, the second user interface element being located in a second region in the graphical user interface. These claims are not supported by the specification for the reasons given above for claims 1, 12, 16 and 22. Additionally user interface elements 19-24 provide information for the scale and range in the same region of the graphical user

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interface element by highlighting a row to show the scale, similar to definition 1, and by presenting text that states a specific time.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-16, 18, 19, 21-25, 55-60, 66-71 and 77-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claim 25:**

Applicant failed to amend claim 25 and failed to present arguments traversing the rejection of claim 25, thus, the previous rejection of that claim is maintained. Claim 25 is rejected for the reasons given in paragraph 6 of paper no. 14.

**Claims 1-16, 18, 19, 21-24, 55-60, 66-71 and 77-82:**

Claims 1, 12, 16 and 22 were amended to claim the scale being depicted by a first control element of a graphical user interface and to claim the position of the range relative to the data field being depicted by a second control element of the graphical

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user interface. The specification did not describe the first control element, control knob 16, depicting the scale or describe the second control element, indicator 13, depicting the range. The word depicted is thus given its usual dictionary meaning. The dictionary definition of depicted can be found at [Yourdictionary.com](http://Yourdictionary.com) and is present above in the arguments section of this office action. In view of the dictionary definition of depicted the claim is now claiming more than the specification conveyed to one of ordinary skill in the art. Control knob 16 and indicator 13 moves when the parameters are changed but they do not represent in words the scale and range.

Claims 55, 66 and 77 were amended to claim adjusting a first parameter depicted by a first user interface element of the graphical user interface according to the first component, the first user interface element being located in a first region in the graphical user interface and adjusting a second parameter depicted by a second user interface element of the graphical user interface according to the second component, the second user interface element being located in a second region in the graphical user interface. These claims are not supported by the specification for the reasons given above for claims 1, 12, 16 and 22. Additionally user interface elements 19-24 provide information for the scale and range in the same region of the graphical user interface element by highlighting a row to show the scale, similar to dictionary definition 1, and by presenting text that states a specific time.

***Specification***

5. The disclosure is objected to because of the following informalities:

at page 18 line 27 "tit" should be "it";

figure 6 is referenced by the specification while figures 6A and 6B are in the drawings, the specification must be amended at page 15 line 24, page 16 lines 6 and 15, and page 18 line 7 by changing figure 6 to figures 6A and 6B and the specification must be amended at page 16 line 30 and page 17 line 7 by changing figure 6 to figure

6A. The brief description of the drawings at page 6 is acceptable.

Appropriate correction is required.

***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference sign(s) mentioned in the description: 33 at page 19 lines 24 and 25, reference number 23 of figure 6A should be

33. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Allowable Subject Matter***

7. Claims 26-49 are allowable over the prior art of record due to the claimed first and second modes and due to the claimed remapping and process performed while in the second mode.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231



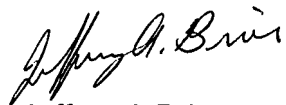
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**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier  
Primary Examiner  
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